

SEVENTY-FIFTH DAY

THURSDAY, MAY 15, 1997

PROCEEDINGS

The Senate met at 9:00 a.m. pursuant to adjournment and was called to order by Senator Truan.

The roll was called and the following Senators were present: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Duncan, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Patterson, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

The Presiding Officer announced that a quorum of the Senate was present.

Senate Doorkeeper Don Long offered the invocation as follows:

"This is the day which the Lord hath made; we will rejoice and be glad in it." (Psalms 118:24)

Forgive us, Father, when we do not permit You to use us as Your instruments to help others every day of our lives which You have, in grace, bestowed upon us. Our eyesight is so often faulty and we do not see others as You see them. Forgive us when we judge others by our standards and reject those who do not measure up. May we remember the words of the missionary apostle Paul: "Be ye kind one to another, tenderhearted, forgiving one another, even as God . . . hath forgiven You." (Ephesians 4:32)

May Lieutenant Governor Bullock look to You for guidance as he seeks to lead this assemblage of Senators in adorning every moral and social virtue. And God, bless Texas. Amen.

On motion of Senator Brown and by unanimous consent, the reading of the Journal of the proceedings of yesterday was dispensed with and the Journal was approved.

CO-AUTHOR OF SENATE BILL 809

On motion of Senator Ellis and by unanimous consent, Senator Moncrief will be shown as Co-author of **SB 809**.

CO-AUTHOR OF SENATE BILL 1952

On motion of Senator Truan and by unanimous consent, Senator Brown will be shown as Co-author of **SB 1952**.

MESSAGE FROM THE HOUSE**HOUSE CHAMBER**

Austin, Texas

Thursday, May 15, 1997

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HB 21, Relating to liability for the donation of medical devices to certain nonprofit organizations.

HB 102, Relating to minimum coverage under certain health benefit plans for inpatient stays and postdelivery care following the birth of a child.

HB 119, Relating to disclosure of ingredients in cigarettes and tobacco products.

HB 159, Relating to assignments by certain recipients of state assistance of lottery prizes to the state and collection of those assignments.

HB 298, Relating to election dates, office hours for election purposes, and information concerning cost savings in the conduct of elections.

HB 1327, Relating to the offense of barratry.

HB 1453, Relating to the enforcement of certain laws prohibiting employment discrimination by the Commission on Human Rights.

HB 1467, Relating to extending the period of community supervision for certain persons convicted of a misdemeanor.

HB 1477, Relating to immunity from liability for the directors of the Texas Catastrophe Property Insurance Association.

HB 1659, Relating to personal financial disclosure and standards of conduct for district attorneys and criminal district attorneys.

HB 1759, Relating to the pesticide use and application program.

HB 2324, Relating to the organization and operation of certain prison industries in the Texas Department of Criminal Justice, the Texas Youth Commission, and certain county correctional facilities and to agricultural programs and work programs of the Texas Department of Criminal Justice; providing a penalty.

HB 2474, Relating to appropriations for the preservation, enhancement, and promotion of state historical parks, structures, and sites.

HB 2481, Relating to faith-based chemical dependency treatment programs and counselors.

- HB 2571**, Relating to the substitution of certain drugs by a pharmacist.
- HB 2633**, Relating to attorney compensation in certain matters; providing civil and criminal penalties.
- HB 2705**, Relating to the program for the voluntary cleanup of contaminants.
- HB 2909**, Relating to persons eligible for a license to carry a concealed handgun, to the rights and duties of license holders, and to certain offenses involving weapons.
- HB 2913**, Relating to the authority of the Health and Human Services Commission to administer and operate the Medicaid managed care program.
- HB 3054**, Relating to the creation of an immunization registry and to reporting requirements concerning immunizations; providing a criminal penalty.
- HB 3059**, Relating to the regulation of on-site sewage disposal facilities.
- HB 3075**, Relating to the possession of dangerous drugs by a home and community support services agency.
- HB 3216**, Relating to representation in certain workers' compensation proceedings.
- HB 3512**, Relating to assistance or benefits provided to state employees who lose their jobs as a result of a reduction in force or the privatization of state services or who retire.
- HB 3575**, Relating to the conversion or transfer of the Texas workers' compensation insurance facility.
- HB 3576**, Relating to state agencies' use of special mail services.
- HCR 237**, Honoring Commissioner Kenneth H. Ashworth of the Texas Higher Education Coordinating Board on the occasion of his retirement.
- HCR 257**, Instructing the enrolling clerk of the house to make technical corrections H.B. 3490.
- HCR 258**, In memory of Meghan Christine Manning.
- HCR 263**, Honoring ZZ Top and declaring May 15, 1997, ZZ Top Day in Texas.
- HJR 18**, Proposing a constitutional amendment to allow peace officers to serve as notaries public.
- HJR 104**, Proposing a constitutional amendment relating to eliminating duplicate numbering in and certain obsolete provisions of the Texas Constitution.
- SB 773**, Relating to restricting the use of designated lanes of certain highways.
- SB 1313**, Relating to the designation of licensed dietitians as service providers under the chronically ill and disabled children's services program.

SB 1534, Relating to additional court filing fees to provide basic civil legal services to the indigent.
(Committee Substitute/Amended)

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

SENATE BILL ON FIRST READING

The following bill was introduced, read first time, and referred to the committee indicated:

SB 1957 by Galloway

Relating to the dissolution of the Montgomery County Hospital District.
To Committee on Intergovernmental Relations.

HOUSE BILLS ON FIRST READING

The following bills received from the House were read first time and referred to the committees indicated:

HB 399 to Committee on State Affairs.

HB 583 to Committee on Education.

HB 1188 to Committee on State Affairs.

HB 1202 to Committee on Economic Development.

HB 1662 to Committee on Economic Development.

HB 2128 to Committee on Economic Development.

HB 2385 to Committee on Health and Human Services.

CAPITOL PHYSICIAN

The Presiding Officer recognized Senator Ogden, who presented Dr. H. David Pope of Bryan as the "Doctor for the Day."

Dr. Pope, participating in the "Capitol Physician" program sponsored by the Texas Academy of Family Physicians, was made welcome by the Senate.

SENATE RESOLUTION 745

Senator Wentworth offered the following resolution:

WHEREAS, The Senate of the State of Texas takes pride in recognizing the Men of Music and in welcoming each member of the group to the State Capitol on May 15, 1997; and

WHEREAS, The newest group on the Southern Gospel circuit, the Men of Music is a dynamic ensemble that brings decades of music and ministerial experience together; the highly talented members of Men of Music are Cleon Yates, Buddy Burton, Bobby Clark, Jim Wesson, and Mike Bullock; and

WHEREAS, The Men of Music offers audiences a fresh treatment of traditional styles and includes voices that have been part of some of the greatest groups in Southern Gospel history; full of energy and eager to share their message, the members of the Men of Music sing Texas patriotic songs and Southern Gospel music in its purest form; and

WHEREAS, This unique group began with a desire in the heart of successful businessman Cleon Yates, a leader in corporate America, whose first passion had been Gospel singing; a longtime Austin resident, Mr. Yates began his career as a staff member of the Department of Physics at The University of Texas; he then entered the private sector by developing quartz semiconductor products for use in the microchip industry, and he soon became a major supplier to corporations around the world; and

WHEREAS, After devoting much of his life to honing engineering skills and to the microchip industry, this successful entrepreneur decided to dedicate more of his time to Gospel singing; Cleon Yates began searching for a group, and fortunately he met up with Buddy Burton, Bobby Clark, and Jim Wesson at Charlie Waller's Grand Ole Gospel Reunion in Greenville, South Carolina; the Men of Music was established shortly thereafter and was later joined by the talented Mike Bullock, whose bass voice was the perfect complement to the group; each of these men is tremendously gifted and brings a wealth of experience to the group; and

WHEREAS, An accomplished singer and pianist and one of the greatest stage managers in Southern Gospel, Buddy Burton brings to Men of Music a rich heritage; he has performed with some of the pioneering groups of Southern Gospel, including the legendary Hovie Lister and the Statesmen and the Smitty Gatlin Trio; he is also an ordained minister who has served as pastor of numerous congregations across the country; and

WHEREAS, Bobby Clark holds a doctorate in theology and has founded centers of worship and education; he has studied under a renowned performer at New York City's Metropolitan Opera, and his crystal tenor voice has been featured in such Gospel quartets as the Cathedrals, Oak Ridge Quartet, and Dixie Echoes; he has provided background vocals for Marty Robbins, Jimmy Dean, and Hank Snow; and

WHEREAS, Jim Wesson was a member of the Chuck Wagon Gang, a highly successful group that performed in such places as Carnegie Hall and the Hollywood Bowl; Jim Wesson is the first artist to release a solo recording project in the Southern Gospel industry; he also joined forces with his brother to create an album still considered ahead of its time in the world of music; and

WHEREAS, Alabama native Mike Bullock is a veteran singer whose extensive experience includes years of singing with the well-known Dixie Echoes; Mike Bullock was unanimously chosen by the members of the Men of Music, and his beautiful deep bass voice is considered a major asset to the group; now, therefore, be it

RESOLVED, That the Senate of the State of Texas, 75th Legislature, hereby commend the members of the Men of Music on their talent and dedication and declare them singing ambassadors of Texas; and, be it further

RESOLVED, That copies of this Resolution be prepared for the Men of Music as an expression of esteem from the Texas Senate.

The resolution was read and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Wentworth was recognized and introduced to the Senate members of Men of Music: Cleon Yates, Buddy Burton, Bobby Clark, Jim Wesson, and Mike Bullock.

The Senate welcomed its guests.

SENATE BILL 881 WITH HOUSE AMENDMENTS

Senator Brown called **SB 881** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Floor Amendment No. 1

Amend **SB 881** by adding a new appropriately numbered section to read as follows and by renumbering the existing sections as appropriate:

SECTION ____. (a) Article 6687d, Revised Statutes, is amended by adding Section 2A to read as follows:

Sec. 2A. MUNICIPAL PARKING FINES. (a) A municipality may contract with the department to provide information necessary for the department to deny renewal of the driver's license of a person who has an unpaid fine for a violation of a municipal ordinance regulating the parking or stopping of a vehicle.

(b) A violation of an ordinance under this section may be reported to the department only if:

(1) the fine is past due;

(2) the person has failed to make a timely appearance in court to challenge the imposition of the fine; and

(3) the person owes the municipality more than \$100 in the aggregate in past due fines, including the fine for which a report is made, for violations of municipal ordinances regulating the parking or stopping of a vehicle.

(c) A contract under this section must be made in accordance with Chapter 791, Government Code. A contract under this section is subject to the ability of the parties to provide or pay for the services required under the contract.

(d) If a contract is entered into under this section:

(1) the department may, on the receipt of the necessary information, deny the renewal of a driver's license in the same manner as for a contract under Section 2 of this article; and

(2) the municipality shall perform its duties in the same manner as for a contract under Section 2 of this article.

(e) If a municipality enters into a contract under this section, a citation for a violation of a municipal ordinance regulating the parking or stopping of a vehicle must include a warning as required by Section 3(a) of this article. The warning must state in substance that if the person fails to pay a fine associated with the violation, the person may be denied renewal of the person's driver's license.

(f) The municipality shall notify the department that there is no cause to continue to deny renewal of a person's driver's license based on a violation of a municipal ordinance regulating the parking or stopping of a vehicle if:

(1) the person pays a fee in the amount provided by Section 4(c) of this article; and

(2) an event stated under Section 4(b) of this article that is applicable to a violation of a municipal ordinance occurs.

(b) The change in law made by this section applies only to the violation of a municipal ordinance regulating parking or the stopping of a vehicle that occurs on or after the effective date of this section. For purposes of this subsection, a violation is committed before the effective date of this section if any element of the violation occurs before that date.

Floor Amendment No. 1 on Third Reading

Amend **SB 881** on third reading by striking the text added to the bill by Floor Amendment No. 1 adopted on second reading.

The amendments were read.

On motion of Senator Brown, the Senate concurred in the House amendments to **SB 881** by a viva voce vote.

SENATE BILL 199 WITH HOUSE AMENDMENT

Senator Zaffirini called **SB 199** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 199** by substituting in lieu thereof the following:

**A BILL TO BE ENTITLED
AN ACT**

relating to the administration of park and recreation districts in certain counties.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 324.062(c), Local Government Code, is amended to read as follows:

(c) The board may call on the county attorney, district attorney, or criminal district attorney for the legal services it requires. In addition, or in the alternative, the board may contract for and compensate its own legal staff.

SECTION 2. Section 324.064(b), Local Government Code, is amended to read as follows:

(b) If the contract is for \$15,000 or less [~~than \$10,000~~], the board may enter into the contract without advertisement. If the contract is for more than \$15,000 [~~\$10,000 or more~~], the contract is subject to the bidding provisions for contracts applicable to the county.

SECTION 3. Section 324.066(d), Local Government Code, is amended to read as follows:

(d) The county attorney, the district attorney, the criminal district attorney, or an attorney retained by the board for this purpose may bring an action to enjoin a violation of board rules or ordinances, and if the board authorizes, may seek damages and attorney's fees based on the violation, if the violation involves:

(1) the providing or offering of a service or the use or rental of a facility or an item for remuneration by a person who does not hold a revenue permit issued by the district or for which collection of a tax is required;

(2) failure of a revenue permit holder to remit a tax imposed and the tax has been due for more than 60 days; or

(3) violation by a revenue permit holder of a district rule relating to an activity that endangers the health or safety of a person or property in the district.

SECTION 4. Subchapter D, Chapter 324, Local Government Code, is amended by adding Section 324.0665 to read as follows:

Sec. 324.0665. BOND. If the board brings an action to enforce this subchapter or enjoin a violation of a rule or ordinance adopted by the board under this subchapter, the board is not required to post a bond.

SECTION 5. Section 324.099(b), Local Government Code, is amended to read as follows:

(b) The taxes that a district may levy apply only within the district and are:

(1) a tax on the price paid for a camping or picnic space or river ingress or egress privileges, at a rate not greater than five percent established by resolution of the board, imposed on each person who, under a lease, concession, permit, right of access, license, contract, or agreement pays for the use or possession of a camping or picnic space or for river ingress or egress privileges costing at least \$1 each day;

(2) a tax imposed by resolution of the board at a rate not greater than four percent on the cost of occupancy of a hotel if the cost of occupancy is \$2 or more each day; a tax is not imposed if the accommodations are leased or contracted to one party for at least 30 consecutive days; ~~and~~

(3) a tax imposed by resolution of the board at a rate not greater than five percent on the price paid for recreational guide or shuttle services or on the rental of any parking space and any water-oriented recreational equipment, including a canoe, tube, raft, boat, personal watercraft, windsurfer, or sailing craft intended for use on public inland water in the district; boat slips; fishing tackle; and life jackets; and

(4) a tax imposed by resolution of the board at a rate not greater than five percent on initiation fees and membership fees of any private club or organization that owns and provides for the use of its members water-oriented recreational equipment described by Subdivision (3).

SECTION 6. The change in law made by this Act by the amendment of Section 324.064(b), Local Government Code, and by the addition of Section 324.0665, Local Government Code, applies only to a contract entered into or an action brought by a district on or after the effective date of this Act. A contract entered into or an action brought by a district before the effective date of this Act is governed by the law in effect when the contract was entered into or the action was brought, and the former law is continued in effect for that purpose.

SECTION 7. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

On motion of Senator Zaffirini, the Senate concurred in the House amendment to **SB 199** by a viva voce vote.

SENATE BILL 1621 WITH HOUSE AMENDMENT

Senator Duncan called **SB 1621** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 1621** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the disposition of the City of Lubbock's auditorium-coliseum complex located on real property conveyed to the municipality by Texas Tech University.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Chapter 185, Acts of the 48th Legislature, 1943, is amended by adding Section 4 to read as follows:

Sec. 4. (a) The City of Lubbock may, after receiving voter approval at an election called for that issue, demolish any part of the auditorium-coliseum complex that has been conveyed or leased or on which easements have been granted under Section 1 of this Act.

(b) If only the coliseum portion of the auditorium-coliseum complex is demolished, the area formerly occupied by the coliseum portion may continue to be used by the City of Lubbock for any use that supports the remaining facility and the area formerly occupied by the coliseum portion does not revert to Texas Tech University until the entire auditorium-coliseum complex is no longer used for auditorium-coliseum purposes.

SECTION 2. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

The amendment was read.

Senator Duncan moved to concur in the House amendment to **SB 1621**.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SENATE BILL 94 WITH HOUSE AMENDMENTS

Senator Patterson called **SB 94** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Amendment

Amend **SB 94** by substituting in lieu thereof the following:

**A BILL TO BE ENTITLED
AN ACT**

relating to the creation, extension, renewal, or modification of deed restrictions applicable to certain residential real estate subdivisions.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subsection (a), Section 201.001, Property Code, is amended to read as follows:

(a) This chapter applies to a residential real estate subdivision that is located in whole or in part:

(1) within a city that has a population of more than 100,000 [~~1,600,000~~], or within the extraterritorial jurisdiction of such a city; or

(2) in the unincorporated area of:

(A) a county having a population of 2,400,000 or more; or

(B) a county having a population of 190,000 or more that is adjacent to a county having a population of 2,400,000 or more.

SECTION 2. Subsection (c), Section 201.001, Property Code, is amended to read as follows:

(c) The provisions of this chapter relating to addition to or modification of existing restrictions do not apply to a subdivision if, by the express terms of the instrument creating the restrictions, the restrictions affecting the real property within the subdivision provide for addition to or modification of the restrictions by written and filed agreement of a specified percentage of less than 75 percent of the owners of real property interests in the subdivision, as set forth in the instrument creating the restrictions. A subdivision is excluded under this subsection regardless of whether a provision in the restrictions requires the consent of the developer of the subdivision or an architectural control committee for an addition to or modification of the restrictions.

SECTION 3. Chapter 201, Property Code, is amended by adding Section 201.0051 to read as follows:

Sec. 201.0051. SPECIAL PETITION APPROVAL REQUIRED FOR CERTAIN RESTRICTIONS. A right created or an obligation imposed by an existing restriction that relates to the developer of the subdivision or an architectural control committee established by the instrument creating the restriction cannot be altered unless the person who has the right or obligation signs and acknowledges the petition.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended, and that this Act take effect and be in force from and after its passage, and it is so enacted.

Floor Amendment No. 1

Amend **CSSB 94** as follows:

(1) On page 2, between lines 18 and 19, insert the following:

SECTION 4. Section 205.001, Property Code, is amended to read as follows:

Sec. 205.001. DEFINITIONS. In this chapter:

(1) "Restrictions"[~~,"restrictions"~~] and "subdivision" have the meanings assigned by Section 201.003.

(2) "Property owners' association" has the meaning assigned by Section 202.001.

SECTION 5. Chapter 205, Property Code, is amended by adding Section 205.004 to read as follows:

Sec. 205.004. AMENDMENT OF RESTRICTIONS BY GOVERNING BODY OF PROPERTY OWNERS' ASSOCIATION. (a) The governing body of a property owners' association may amend the restrictions for the limited purpose of complying with U.S. Department of Housing and Urban Development or U.S. Department of Veterans Affairs requirements for subdivision property to qualify for insured or guaranteed mortgage loans.

(b) An amendment adopted under this section must:

(1) indicate that the amendment is adopted under authority of this section by specifically referencing this section;

(2) be signed by a majority of the governing body; and

(3) be filed in the real property records of the county in which the subdivision is located.

(2) On page 2, line 19, strike "4" and substitute "6".

The amendments were read.

On motion of Senator Patterson, the Senate concurred in the House amendments to **SB 94** by a viva voce vote.

SENATE BILL 781 WITH HOUSE AMENDMENT

Senator Ellis called **SB 781** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 781** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED AN ACT

relating to the creation and operation of the Texans Work program and the establishment of individual development accounts in the Texas employment and training account for certain recipients of public assistance.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subtitle B, Title 4, Labor Code, is amended by adding Chapter 308 to read as follows:

CHAPTER 308. TEXANS WORK PROGRAM

Sec. 308.001. LEGISLATIVE INTENT. It is the intent of the legislature that this chapter is enacted to enlist employers in a partnership with this state to assist recipients of public assistance in developing marketable work skills and obtaining employment.

Sec. 308.002. DEFINITIONS. In this chapter:

(1) "Division" means the division of workforce development of the commission.

(2) "Employer" has the meaning assigned by Section 61.001.

(3) "JOBS training program" means the job opportunities and basic skills (JOBS) training program under Part F, Subchapter IV, Social Security Act (42 U.S.C. Section 682).

(4) "Local workforce development board" means a board created under Subchapter F, Chapter 2308, Government Code.

(5) "Program" means the Texans Work program established under this chapter.

(6) "Trainee" means a recipient of food stamps under the food stamp program administered under Chapter 33, Human Resources Code, and financial assistance under Chapter 31, Human Resources Code, who:

(A) is eligible to participate in the JOBS training program; and

(B) receives on-the-job training through a training course offered under the program.

(7) "Training course" means a course for the development of practical employment skills that is:

(A) offered to trainees by an employer who participates in the program; and

(B) approved as required by this chapter.

Sec. 308.003. TEXANS WORK PROGRAM. (a) The Texans Work program is created as an integrated system of on-the-job training for certain persons who receive food stamps under the food stamp program administered under Chapter 33, Human Resources Code, and financial assistance under Chapter 31, Human Resources Code, and are eligible to participate in the JOBS training program. The program shall be considered a means-tested program and shall be operated through courses conducted by participating employers and shall offer direct work experience and skills training.

(b) The program shall be offered in each area of this state in which an employer is located who elects to participate and whose participation is approved by the local workforce development board or, if a local workforce development board does not exist in the employer's area, by the division.

Sec. 308.004. TRAINING COURSES; APPROVAL. (a) Each training course shall be designed by a local participating employer to meet the needs of that employer. The training course must instruct the trainee in a prearranged curriculum of skills that uses systems specific to and produced by the employer's industry.

(b) The length of a training course may not be less than six months or more than 12 months unless an exception is approved by the division. The duration of a course shall be based on specific training needs.

(c) An employer whose participation is approved under Section 308.003 shall submit to the division in the manner prescribed by the commission a description of the employer's proposed training course. The employer shall work with the division and the Texas Skill Standards Board to develop a training course that incorporates instruction in the skill standards applicable to that industry. A training course may not be used by an employer participating in the plan until the course is approved by the commission.

Sec. 308.005. POWERS AND DUTIES OF COMMISSION AND DIVISION; GUIDELINES FOR TRAINING COURSE APPROVAL. (a) The commission shall adopt rules as necessary to implement the program, including establishing the criteria for determining which persons described by Section 308.003(a) may be required to participate in the program.

(b) With the cooperation of the Texas Skill Standards Board, the commission shall develop guidelines for the approval of employer training courses.

(c) In developing guidelines under Subsection (b), the commission shall condition approval on the expectation that a participating employer will develop job descriptions that are relevant to regular paid positions in the employer's workplace or that are available in the community in which the employer is located. In determining whether to approve a particular training course, the commission shall specifically consider:

(1) the administrative burden imposed by participation in the program by the participating employer;

(2) whether the proposed training reasonably may be expected to enhance the employability of individual trainees;

(3) whether the proposed training produces a realistic and usable level of skills;

(4) whether the proposed training is composed of a greater ratio of training-to-work than regular employees receive under analogous conditions;

(5) whether the employer has any intention of retaining successful trainees as regular employees;

(6) the extent to which the proposed training includes nonspecific work skills; and

(7) if the employer has previously participated in the program, the prior performance of the employer in meeting the guidelines described by this subsection.

(d) The commission may develop incentives for employers who have completed a training course offered through the program to hire as a regular employee for a period of at least one year a trainee who has successfully completed the training course.

Sec. 308.006. POWERS AND DUTIES OF TEXAS DEPARTMENT OF HUMAN SERVICES. The Texas Department of Human Services shall provide to the commission and a local workforce development board information and technical assistance as necessary to implement the program.

Sec. 308.007. RIGHTS AND DUTIES OF PARTICIPATING EMPLOYER. (a) Each employer who participates in the program shall provide a work-training position for trainees under a contract entered into with the local workforce development board or with the commission.

(b) The employer shall interview and select the employer's trainees from a list of eligible clients that is provided to the employer by the local workforce development board or the commission.

(c) In the operation of a training course, a participating employer may use training methods selected by the employer as long as those methods instruct the trainees in the applicable skill at the applicable standards.

(d) An employer who participates in the program is not liable for the payment of payroll taxes or contributions to the unemployment compensation system for a trainee and is not obligated to provide health insurance coverage or retirement or pension benefits for the trainee. An employer is responsible to the JOBS training program only for quality training, skills certification, and reporting of attendance.

(e) During the training course, the employer shall pay \$300 per month for each trainee to the commission in the manner prescribed by the commission. The commission shall deposit the amount in the general revenue fund to the credit of the Texas employment and training account.

(f) A trainee is considered an employee of the employer for purposes of Section 401.012.

Sec. 308.008. RIGHTS OF REGULAR EMPLOYEES. (a) Except as provided by Subsection (b), not more than 20 percent of an employer's workforce may consist of trainees under the program.

(b) Subsection (a) does not apply to an employer who has fewer than 50 employees.

(c) As a condition of participation in the program, an employer whose regular employees are subject to a collective bargaining agreement shall notify the applicable collective bargaining agent of the employer's intent to participate in the program. The employer shall provide the notice required under this subsection before accepting trainees at the employer's workplace.

(d) A participating employer may not accept a trainee for participation in a training course conducted under the program if that participation will:

(1) result in:

(A) the displacement or partial displacement of a regular employee from an existing position;

(B) the elimination of a vacant position created by the laying off of a regular employee during the 90 days preceding the employer's participation in the program;

(C) the elimination of a position that would otherwise constitute a promotion for a regular employee; or

(D) a hiring freeze implemented by the employer; or

(2) impair a collective bargaining agreement in effect on the date that the employer proposes to begin participation in the program.

Sec. 308.009. RIGHTS AND DUTIES OF PARTICIPATING TRAINEES.

(a) Each trainee who participates in the program shall work during the training course not less than the minimum number of hours required under applicable federal law for work participation for recipients of public assistance.

(b) Each trainee is entitled to:

(1) the rights provided under Chapters 21 and 101 as if the trainee were a regular employee; and

(2) participation in an administrative dispute resolution procedure conducted by the commission to resolve grievances involving participation in the program.

(c) Each trainee shall receive a skill standards certification on successful completion of a training course offered under the program.

Sec. 308.010. ACCOUNT. (a) The Texas employment and training account is established as a special account in the general revenue fund. The account is composed of:

- (1) employer contributions paid under Section 308.007; and
- (2) state matching funds obtained through the block grant received by this state under the JOBS training program.

(b) Money in the account may be used only for the payment of training stipends and for other training activities authorized under the program.

Sec. 308.011. TRAINING STIPEND. (a) The state shall pay to each trainee who demonstrates satisfactory participation in a training program approved under this chapter a monthly training stipend in the manner prescribed by Subsection (c).

(b) The training stipend is composed of \$600 paid to the trainee from the Texas employment and training account. In addition to the stipend, the trainee shall continue to receive the amount of benefits that the trainee is eligible to receive under the program of financial assistance under Chapter 31, Human Resources Code, and the food stamp program administered under Chapter 33, Human Resources Code.

(c) The state may transfer the monthly training stipend to a trainee by electronic benefits transfer (EBT) to an account if that method is determined by the Texas Department of Human Services to be cost-effective.

(d) The training stipend does not constitute income to the trainee for purposes of determining eligibility for and the amount of benefits received under Chapter 31, Human Resources Code. A trainee who participates in a training program in a satisfactory manner is entitled to full JOBS benefits and benefits under the financial assistance program and food stamp program during the training program. A trainee who terminates participation in the training program before the conclusion of the training loses eligibility for the training stipend and the JOBS benefits but remains eligible to receive benefits under the financial assistance program and food stamp program.

(e) Excessive unexcused absences from participation subjects a trainee to a reduction in the training stipend in an amount set by the commission.

(f) The training stipend shall be paid on the first workday of each month following the month in which the trainee participates in the training program.

Sec. 308.012. REPORT; RECORDS. (a) The commission shall collect information and maintain records regarding:

- (1) the operation and outcome of the program;
- (2) impediments identified by the commission that affect the successful operation of the program; and
- (3) complaints or other comments regarding the program received by the commission from employers, trainees, regular employees, and local workforce development boards.

(b) Information maintained by the commission under Subsection (a) is a public record.

(c) The commission shall report to the 76th Legislature not later than January 31, 1999, regarding the information collected under Subsection (a). This subsection expires March 1, 1999.

SECTION 2. Subchapter A, Chapter 31, Human Resources Code, is amended by adding Section 31.0037 to read as follows:

Sec. 31.0037. EARNED INCOME FROM WORK PROGRAM. The department may not consider any income earned by a recipient of financial assistance under the Texans Work program established under Chapter 308, Labor Code, for purposes of determining:

(1) the amount of financial assistance granted to an individual under this chapter for the support of dependent children; or

(2) whether the family meets household income and resource requirements for financial assistance under this chapter.

SECTION 3. Subchapter B, Chapter 31, Human Resources Code, is amended by adding Section 31.0321 to read as follows:

Sec. 31.0321. EXCLUSION OF CERTAIN INCOME AND RESOURCES. (a) Except as provided by Subsection (b), the department may not consider money contributed to a recipient's individual development account under a pilot program by an employer, community group, or financial institution as income or the balance of the account as a resource in determining whether the recipient meets household income and resource requirements for eligibility for financial assistance.

(b) After consulting with the Texas Workforce Commission, the department by rule may place limits on the amount of money not considered as income or as a resource under Subsection (a).

(c) This section expires September 1, 2001.

SECTION 4. Chapter 33, Human Resources Code, is amended by adding Section 33.012 to read as follows:

Sec. 33.012. EXCLUSION OF CERTAIN INCOME AND RESOURCES. (a) Except as provided by Subsection (b), the department may not consider money contributed to a recipient's individual development account under a pilot program by an employer, community group, or financial institution as income or the balance of the account as a resource in determining whether the recipient meets household income and resource requirements for eligibility for food stamps.

(b) After consulting with the Texas Workforce Commission, the department by rule may place limits on the amount of money not considered as income or as a resource under Subsection (a).

(c) This section expires September 1, 2001.

SECTION 5. Subchapter D, Chapter 301, Labor Code, is amended by adding Section 301.067 to read as follows:

Sec. 301.067. PILOT PROGRAM: INDIVIDUAL DEVELOPMENT ACCOUNTS FOR CERTAIN EMPLOYEES. (a) The commission by rule shall establish and implement a pilot program under which an individual development account is established for a recipient of financial assistance under Chapter 31, Human Resources Code, who is employed by a person in the private sector through a subsidized employment program established under Section 31.0126(a)(5), Human Resources Code.

(b) The commission may establish and administer an account for a recipient under this section or may contract with a nonprofit organization or financial institution to establish and administer the account in accordance with commission rules.

(c) The commission shall encourage the following to match deposits made by a recipient of financial assistance to an account established under this section:

(1) private employers, including persons in the private sector who employ one or more recipients through a subsidized employment program established under Section 31.0126(a)(5), Human Resources Code;

(2) community groups; and

(3) financial institutions.

(d) Expenditures from a recipient's individual development account established under this section while the recipient is receiving financial assistance are limited to educational and medical expenses, work-related expenses, including expenses of a self-employment enterprise, and housing or moving expenses for the recipient and a person who is a member of the AFDC-certified group.

(e) Not later than December 1 of 1998 and 2000, the commission shall submit a report to the governor and the members of the legislature regarding the status of the pilot program.

(f) This section expires September 1, 2001.

SECTION 6. Subsection (b), Section 401.012, Labor Code, is amended to read as follows:

(b) The term "employee" includes:

(1) an employee employed in the usual course and scope of the employer's business who is directed by the employer temporarily to perform services outside the usual course and scope of the employer's business; ~~and~~

(2) a person, other than an independent contractor or the employee of an independent contractor, who is engaged in construction, remodeling, or repair work for the employer at the premises of the employer; ~~and~~

(3) a person who is a trainee under the Texans Work program established under Chapter 308.

SECTION 7. If, before implementing any provision of this Act, a state agency determines that a waiver or authorization from a federal agency is necessary for implementation, the state agency shall request the waiver or authorization and may delay implementing that provision until the waiver or authorization is granted.

SECTION 8. The changes in law made by this Act apply only to a person who receives financial assistance under Chapter 31, Human Resources Code, and food stamps administered by the Texas Department of Human Services under Chapter 33, Human Resources Code, on or after the effective date of this Act, regardless of the date on which eligibility for the food stamps or financial assistance was determined.

SECTION 9. This Act takes effect September 1, 1997.

SECTION 10. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

On motion of Senator Ellis, the Senate concurred in the House amendment to **SB 781** by a viva voce vote.

SENATE BILL 1639 WITH HOUSE AMENDMENT

Senator Duncan called **SB 1639** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend **SB 1639** as follows:

Amend Section 2 on page 1, line 22, by deleting the phrase who has given actual notice of that lien to the lienholder under this subsection and inserting in its place the phrase which is properly recorded under applicable law with the Secretary of State and on page 2, line 12, by deleting the phrase who has given actual notice of that lien to the lienholder under this subsection and inserting in its place the phrase which is properly recorded under applicable law with the Secretary of State.

On page 2, after line 15 add the following: Nothing herein shall be construed to place an affirmative burden upon the cotton ginner to perform any lien searches except as may be appropriate to provide notices required by this section.

The amendment was read.

On motion of Senator Duncan, the Senate concurred in the House amendment to **SB 1639** by a viva voce vote.

(Senator Wentworth in Chair)

SENATE BILL 1600 WITH HOUSE AMENDMENT

Senator Lindsay called **SB 1600** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment No. 1

Amend **SB 1600** as follows:

On page 2, line 1, insert the following after "section":

"provided the stricter provisions are intended to insure compliance with the National Flood Insurance Programs' rules, regulations and policies".

On page 2, line 20, insert the following after "section":

"provided the stricter provisions are intended to insure compliance with the National Flood Insurance Programs' rules, regulations and policies".

The amendment was read.

Senator Lindsay moved to concur in the House amendment.

On motion of Senator Lindsay, the motion to concur in the House amendment to **SB 1600** was withdrawn.

Question—Shall the Senate concur in the House Amendment to **SB 1600**?

SENATE BILL 1227 WITH HOUSE AMENDMENT

Senator Shapiro called **SB 1227** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Committee Amendment No. 1

Amend **SB 1227** in SECTION 1 of the bill, proposed Chapter 219, Local Government Code, by adding a new Section 219.005 to read as follows:

Sec. 219.005. NOTATION ON MAP OF COMPREHENSIVE PLAN. A map of a comprehensive plan illustrating future land use shall contain the following clearly visible statement: "A comprehensive plan shall not constitute zoning regulations or establish zoning district boundaries."

The amendment was read.

On motion of Senator Shapiro, the Senate concurred in the House amendment to **SB 1227** by a viva voce vote.

SENATE BILL 657 WITH HOUSE AMENDMENT

Senator Barrientos called **SB 657** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment No. 1

Amend **SB 657** as follows:

On page 5, line 1, delete the last "the" and replace it with "a";

On page 5, line 25, after the word "commission" add "or a railroad without permission of the railroad"

On page 10, beginning on line 23 delete ", except notes issued to an agency of the federal or state government."

The amendment was read.

On motion of Senator Barrientos, the Senate concurred in the House amendment to **SB 657** by a viva voce vote.

SENATE BILL 231 WITH HOUSE AMENDMENT

Senator Carona called **SB 231** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer laid the bill and the House amendment before the Senate.

Amendment

Amend **SB 231** by substituting in lieu thereof the following:

A BILL TO BE ENTITLED
AN ACT

relating to sources of names for the jury wheel.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Sections 62.001(a), (d), and (f), Government Code, are amended to read as follows:

(a) The jury wheel must be reconstituted by using, as the source:

(1) the names of all persons on the current voter registration lists from all the precincts in the county; and

(2) all names on a current list to be furnished by the Department of Public Safety, showing the citizens of the county who:

~~(A) hold a valid Texas driver's license or [and the citizens of the county, other than persons who are disqualified from jury service, who hold] a valid personal identification card or certificate issued by the department; and~~

~~(B) are not disqualified from jury service under Section 62.102(1), (2), or (7).~~

(d) The list required by Subsection (c) ~~may exclude, at the option of the voter registrar of each county, [must exclude the names of convicted felons and] the names of persons on the suspense list maintained under Section 15.081, Election Code [exempt from jury service under Sections 62.108 and 62.109].~~

(f) The Department of Public Safety shall furnish a list to the secretary of state that shows the names required under Subsection (a)(2) and that contains any of the information enumerated in Subsection (c) that is available to the department, including citizenship status and county of residence. The list shall exclude the names of convicted felons and persons residing outside the county. The department shall furnish the list on or before the first Monday in October of each year.

SECTION 2. This Act takes effect September 1, 1997, and applies only to lists furnished by the Department of Public Safety or a voter registrar on or after the effective date of this Act. Lists furnished by the Department of Public Safety or a voter registrar before the effective date of this Act are governed by the law as it existed on the date the list was furnished, and the former law is continued in effect for that purpose.

SECTION 3. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

The amendment was read.

On motion of Senator Carona, the Senate concurred in the House amendment to **SB 231** by a viva voce vote.

SENATE BILL 1600 WITH HOUSE AMENDMENT

Senator Lindsay again called **SB 1600** from the President's table for consideration of the House amendment to the bill.

Question—Shall the Senate concur in the House amendment to **SB 1600**?

The Presiding Officer again laid the bill and the House amendment before the Senate.

Amendment No. 1

Amend **SB 1600** as follows:

On page 2, line 1, insert the following after "section":

"provided the stricter provisions are intended to insure compliance with the National Flood Insurance Programs' rules, regulations and policies"

On page 2, line 20, insert the following after "section":

"provided the stricter provisions are intended to insure compliance with the National Flood Insurance Programs' rules, regulations and policies"

The amendment was again read.

On motion of Senator Lindsay, the Senate concurred in the House amendment to **SB 1600** by a viva voce vote.

SENATE BILL 1601 WITH HOUSE AMENDMENTS

Senator Lindsay called **SB 1601** from the President's table for consideration of the House amendments to the bill.

The Presiding Officer laid the bill and the House amendments before the Senate.

Amendment No. 1

Amend SECTION 1, **SB 1601** in Sec. 240.901(c) of the Local Government Code on Page 1, Line 19, by inserting the word "and" between the word "electricity" and the word "gas" and striking the words "or other".

Amend SECTION 1, **SB 1601** in Sec. 240.901(f) of the Local Government Code on Page 2, Line 1, by inserting the word "and" between the word "electricity" and the word "gas" and striking the words "or other".

Amendment No. 2

Amend **SB 1601** as follows:

On page 2, line 13, insert the following sentence after "property."

"The notice must include a description legally sufficient for identification of the property and the name of the owner of the property."

The amendments were read.

On motion of Senator Lindsay, the Senate concurred in the House amendments to **SB 1601** by a viva voce vote.

HOUSE BILL 2119 ON SECOND READING

On motion of Senator Madla and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 2119, Relating to the continuation and functions of the Texas Commission on Alcohol and Drug Abuse; providing penalties.

The bill was read second time.

Senator Madla offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 2119**, in SECTION 7 of the bill, added Section 461.0143, Health and Safety Code, by striking Subsection (b) (page 14, line 5 through line 20, engrossed version) and substituting the following:

(b) If the commission determines, after consideration of the study, that procurement of and payment for chemical dependency treatment services on a unit rate reimbursement basis in appropriate areas of the state would result in obtaining the highest quality treatment services at the best price and the lowest administrative cost to the commission, the commission shall adopt a unit rate reimbursement system for those services. The system must:

- (1) include competitive procurement;
- (2) monitor provider performance;
- (3) monitor the reasonableness of provider costs and expenditures;
- (4) verify provider costs before and after a contract term to ensure rates are set appropriately;
- (5) ensure accountability of providers; and
- (6) contain costs.

The committee amendment was read and was adopted by a viva voce vote.

Senator Madla offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **HB 2119** in SECTION 7 of the bill, added Section 461.0051, Health and Safety Code, by striking proposed Subsections (a) and (b) (page 8, line 9, through page 9, line 9, engrossed version) and substituting the following:

(a) To be eligible to take office as a member of the commission, a person appointed to the commission must complete at least one course of a training program that complies with Subsection (b).

(b) The training program required by Subsection (a) must provide information to the person regarding:

- (1) the enabling legislation that created the commission and its policymaking body to which the member is appointed to serve;
- (2) the programs operated by the commission;
- (3) the role and functions of the commission;
- (4) the rules of the commission, with an emphasis on the rules that relate to disciplinary and investigatory authority;
- (5) the current budget for the commission;
- (6) the results of the most recent formal audit of the commission;
- (7) the requirements of the:

(A) open meetings law, Chapter 551, Government Code;

(B) open records law, Chapter 552, Government Code; and

(C) administrative procedure law, Chapter 2001, Government Code;

(8) the requirements of the conflict-of-interest laws and other laws relating to public officials; and

(9) any applicable ethics policies adopted by the commission or the Texas Ethics Commission.

(c) A person appointed to the commission is entitled to reimbursement for travel expenses incurred in attending the training program required by Subsection (a) as provided by the General Appropriations Act and as if the person were a member of the commission.

The committee amendment was read and was adopted by a viva voce vote.

Senator Madla offered the following committee amendment to the bill:

Committee Amendment No. 3

Amend **HB 2119** by striking proposed SECTION 21 and substituting the following:

SECTION 21. In conjunction with its review of health and human service agencies for presentation to the Seventy-sixth Legislature, the Sunset Commission shall study whether the treatment programs of the Texas Commission on Alcohol and Drug Abuse should be transferred to the Texas Department of Mental Health and Mental Retardation and the Texas Department of Health. The Sunset Commission shall consider the results of the study in developing its recommendations prior to the Seventy-sixth Legislature.

The committee amendment was read and was adopted by a viva voce vote.

Senator Madla offered the following committee amendment to the bill:

Committee Amendment No. 4

Amend **HB 2119**, in SECTION 7 of the bill, added Section 461.0125, Health and Safety Code, by striking Subsection (b) (page 11, line 9 through line 12, engrossed version) and substituting the following:

(b) Contract goals must include a standard developed by the commission that is based on a percentage of program clients who maintain long term recovery for an extended period as defined by the commission.

The committee amendment was read and was adopted by a viva voce vote.

Senator Shapiro offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 2119** in Section 7 of the bill, added Section 461.0124, Health and Safety Code (committee printing, page 6, between lines 18 and 19), by inserting Subsection (d) to read as follows:

(d) The plan must provide a priority for obtaining treatment services for individuals in need of treatment who are parents of a child in foster care.

The amendment was read and was adopted by a viva voce vote.

HB 2119 as amended was passed to third reading by a viva voce vote.

RECORD OF VOTE

Senator Harris asked to be recorded as "Present-not voting" on the passage of the bill to third reading.

HOUSE BILL 2119 ON THIRD READING

Senator Madla moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 2119** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 0, Present-not voting 1.

Present-not voting: Harris.

HB 2119 was read third time and was passed by a viva voce vote.

RECORD OF VOTE

Senator Harris asked to be recorded as "Present-not voting" on the final passage of the bill.

SENATE BILL 1277 WITH HOUSE AMENDMENT

Senator Lucio called **SB 1277** from the President's table for consideration of the House amendment to the bill.

The Presiding Officer, Senator Wentworth in Chair, laid the bill and the House amendment before the Senate.

Amendment No. 1

Amend **SB 1277** as follows:

(1) Insert the following appropriately numbered section:

SECTION __. Section 794.082(b), Health and Safety Code, is amended to read as follows:

(b) A district located wholly in one county shall prepare and file with the commissioners court of the county on or before June 1 of each year [~~the 120th day after the last day of the district's fiscal year~~] an audit report of the district's fiscal accounts and records. The audit shall be performed and prepared at the expense of the district. The county auditor, with the approval of the commissioners court, shall adopt rules relating to the format of the audit and report.

(2) Renumber subsequent sections appropriately.

The amendment was read.

On motion of Senator Lucio, the Senate concurred in the House amendment to **SB 1277** by a viva voce vote.

RECORD OF VOTE

Senator Brown asked to be recorded as "Present-not voting" on the motion to concur in the House amendment to **SB 1277**.

HOUSE BILL 3190 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 3190, Relating to the holding of certain court proceedings outside the municipality designated as the county seat.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 3190 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3190** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 3190 was read third time and was passed by the following vote: Yeas 31, Nays 0.

BILLS SIGNED

The Presiding Officer announced the signing of the following enrolled bills in the presence of the Senate after the captions had been read:

SB 67, SB 170, SB 201, SB 264, SB 303, SB 323, SB 394, SB 396, SB 403, SB 417, SB 459, SB 478, SB 514, SB 569, SB 570, SB 580, SB 591, SB 600, SB 623, SB 625, SB 698, SB 706, SB 771, SB 786, SB 843, SB 928, SB 939, SB 973, SB 991, SB 1007, SB 1014, SB 1016, SB 1033, SB 1108, SB 1127, SB 1150, SB 1179, SB 1202, SB 1211, SB 1388, SB 1663, SB 1922

(President in Chair)

HOUSE BILL 3281 ON SECOND READING

On motion of Senator Harris and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 3281, Relating to local court processing for child support cases and to enforcement of child support orders; providing penalties.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 3281 ON THIRD READING

Senator Harris moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 3281** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 3281 was read third time and was passed by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 909 ON SECOND READING**

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

CSHB 909, Relating to amending certain provisions of the Insurance Code, concerning authorized investments of insurers, specifically, Articles 2.10, 3.33, 3.39-1, 3.39-2, 9.18, and 21.39-B.

The bill was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 909 ON THIRD READING**

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 909** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSHB 909 was read third time and was passed by a viva voce vote.

HOUSE BILL 1306 ON SECOND READING

On motion of Senator Nelson and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 1306, Relating to the payment of certain motor vehicle registration fees for a period longer than 12 months.

The bill was read second time and was passed to third reading by a viva voce vote.

HOUSE BILL 1306 ON THIRD READING

Senator Nelson moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1306** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 1306 was read third time and was passed by a viva voce vote.

HOUSE BILL 1422 ON SECOND READING

On motion of Senator Whitmire and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 1422, Relating to prohibiting employment discrimination against certain employees of the Texas Department of Criminal Justice for refusing to take a polygraph examination.

The bill was read second time and was passed to third reading by a viva voce vote.

RECORD OF VOTE

Senator Moncrief asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 1422 ON THIRD READING

Senator Whitmire moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1422** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 30, Nays 1.

Nays: Moncrief.

HB 1422 was read third time and was passed by the following vote: Yeas 30, Nays 1. (Same as previous roll call)

HOUSE BILL 1279 ON SECOND READING

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 1279, Relating to the delegation of responsibility by a municipality for the approval of certain plats.

The bill was read second time.

Senator Lucio offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1279** as follows:

On page 1 line 8, strike "The municipal authority responsible for approving plats" and insert "The governing body of a municipality".

The committee amendment was read and was adopted by a viva voce vote.

HB 1279 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 1279 ON THIRD READING

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1279** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 1279 was read third time and was passed by the following vote: Yeas 31, Nays 0.

(Senator Carona in Chair)

COMMITTEE SUBSTITUTE**HOUSE BILL 1280 ON SECOND READING**

On motion of Senator Lucio and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

CSHB 1280, Relating to the delegation of municipal authority to determine compliance with certain plat requirements.

The bill was read second time and was passed to third reading by a viva voce vote.

**COMMITTEE SUBSTITUTE
HOUSE BILL 1280 ON THIRD READING**

Senator Lucio moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **CSHB 1280** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

CSHB 1280 was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1757 ON SECOND READING

On motion of Senator Fraser and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 1757, Relating to the regulation of drinking water at certain youth camps.

The bill was read second time.

Senator Fraser offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1757** to include the following after the word "supplied":
-, and shall not be resold to any other entity for any purpose.

The amendment was read and was adopted by a viva voce vote.

SB 1757 as amended was passed to engrossment by a viva voce vote.

SENATE BILL 1757 ON THIRD READING

Senator Fraser moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1757** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

SB 1757 was read third time and was passed by the following vote: Yeas 31, Nays 0.

SENATE BILL 1952 ON SECOND READING

On motion of Senator Truan and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to engrossment:

SB 1952, Relating to the jurisdiction of certain statutory county courts.

The bill was read second time.

Senator Wentworth offered the following amendment to the bill:

Floor Amendment No. 1

Amend **SB 1952** as follows:

- (1) On page 1, line 13, by striking "the" and substituting "probate".
- (2) On page 1, line 14, by striking "of a statutory probate court".

The amendment was read.

On motion of Senator Truan and by unanimous consent, further consideration of **SB 1952** was postponed to a time certain of 10:45 a.m. today.

Question—Shall Floor Amendment No. 1 to **SB 1952** be adopted?

HOUSE BILL 984 ON SECOND READING

On motion of Senator Sibley and by unanimous consent, the regular order of business was suspended to take up for consideration at this time on its second reading and passage to third reading:

HB 984, Relating to a digital signature.

The bill was read second time.

Senator Sibley offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 984** as follows:

- (1) In SECTION 2, Section 2054.060(e) (page 3, line 5), between "791.003" and the period, insert ", but does not include an agency in the judicial branch of local government".

- (2) In SECTION 2, Section 2054.060(e) (page 3, after line 5) add the following new subsection:

"(3) "State agency" does not include an agency in the judicial branch of state government."

The committee amendment was read and was adopted by a viva voce vote.

HB 984 as amended was passed to third reading by a viva voce vote.

HOUSE BILL 984 ON THIRD READING

Senator Sibley moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 984** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 31, Nays 0.

HB 984 was read third time and was passed by a viva voce vote.

(Senator Armbrister in Chair)

HOUSE BILL 1761 ON SECOND READING

Senator Shapleigh asked unanimous consent to suspend the regular order of business to take up for consideration at this time:

HB 1761, Relating to a prohibition on certain requirements imposed by temporary employment services.

There was objection.

Senator Shapleigh then moved to suspend the regular order of business and take up **HB 1761** for consideration at this time.

The motion prevailed by the following vote: Yeas 25, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Ellis, Gallegos, Galloway, Harris, Lindsay, Lucio, Luna, Madla, Moncrief, Nelson, Nixon, Ogden, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Duncan, Patterson.

Absent: Fraser, Haywood, Ratliff, Shapiro.

HB 1761 was read second time.

Senator Shapleigh offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **HB 1761** as follows:

On page 1, line 23, insert the words "or the client" between the words "employment" and "requires".

The committee amendment was read and was adopted by a viva voce vote.

Senator Carona offered the following amendment to the bill:

Floor Amendment No. 1

Amend **HB 1761**, in Chapter 93, Labor Code, as added by SECTION 1 of the bill (committee printing, page 1, between lines 35 and 36), by inserting a new Section 93.003 to read as follows:

Sec. 93.003. NO CAUSE OF ACTION. This chapter does not create a private cause of action for any person or class of persons.

The amendment was read and was adopted by a viva voce vote.

HB 1761 as amended was passed to third reading by a viva voce vote.

RECORD OF VOTES

Senators Duncan and Patterson asked to be recorded as voting "Nay" on the passage of the bill to third reading.

HOUSE BILL 1761 ON THIRD READING

Senator Shapleigh moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **HB 1761** be placed on its third reading and final passage.

The motion prevailed by the following vote: Yeas 29, Nays 2.

Yeas: Armbrister, Barrientos, Bivins, Brown, Cain, Carona, Ellis, Fraser, Gallegos, Galloway, Harris, Haywood, Lindsay, Lucio, Luna

Madla, Moncrief, Nelson, Nixon, Ogden, Ratliff, Shapiro, Shapleigh, Sibley, Truan, Wentworth, West, Whitmire, Zaffirini.

Nays: Duncan, Patterson.

HB 1761 was read third time and was passed by a viva voce vote.

RECORD OF VOTES

Senators Duncan and Patterson asked to be recorded as voting "Nay" on the final passage of the bill.

GUEST PRESENTED

Senator Lucio was recognized and introduced to the Senate Leo Montalvo, Mayor of McAllen.

The Senate welcomed Mayor Montalvo.

GUESTS PRESENTED

Senator Nelson, joined by Senator West, was recognized and introduced to the Senate a group of fourth-grade students and their teachers from Central Elementary School in Duncanville.

The Senate welcomed its guests.

CONFERENCE COMMITTEE ON HOUSE BILL 1235

Senator Ratliff called from the President's table, for consideration at this time, the request of the House for a conference committee to adjust the differences between the two Houses on **HB 1235** and moved that the request be granted.

The motion prevailed.

The Presiding Officer asked if there were any motions to instruct the conference committee on **HB 1235** before appointment.

There were no motions offered.

Accordingly, the Presiding Officer announced the appointment of the following conferees on the part of the Senate on the bill: Senators Ratliff, Chair; Truan, Brown, Sibley, and Zaffirini.

GUESTS PRESENTED

Senator West was recognized and introduced to the Senate a group of sixth-grade students and their teachers and principals from the Sequoyah Learning Center of Dallas.

The Senate welcomed its guests.

BILLS AND RESOLUTION SIGNED

The Presiding Officer announced the signing of the following enrolled bills and resolution in the presence of the Senate after the captions had been read:

HB 463, HB 870, HB 963, HB 1300, HB 1387, HB 1482, HB 1487, HB 1630, HB 1747, HB 2074, HB 2123, HB 2126, HB 2201, HB 2348, HB 3354, HCR 250

SENATE BILL 1952 ON SECOND READING

The Presiding Officer laid before the Senate **SB 1952** on its second reading. The bill was read second time, Floor Amendment No. 1 was offered, and further consideration was postponed to a time certain of 10:45 a.m. today.

SB 1952, Relating to the jurisdiction of certain statutory county courts.

Question—Shall Floor Amendment No. 1 to **SB 1952** be adopted?

On motion of Senator Truan, Floor Amendment No. 1 was tabled by the following vote: Yeas 18, Nays 12.

Yeas: Armbrister, Barrientos, Brown, Carona, Duncan, Ellis, Gallegos, Galloway, Haywood, Lindsay, Lucio, Luna, Madla, Ogden, Patterson, Truan, Whitmire, Zaffirini.

Nays: Bivins, Cain, Fraser, Moncrief, Nelson, Nixon, Ratliff, Shapiro, Shapleigh, Sibley, Wentworth, West.

Absent: Harris.

SB 1952 was passed to engrossment by a viva voce vote.

**MOTION TO PLACE
SENATE BILL 1952 ON THIRD READING**

Senator Truan moved that Senate Rule 7.18 and the Constitutional Rule requiring bills to be read on three several days be suspended and that **SB 1952** be placed on its third reading and final passage.

The motion was lost by the following vote: Yeas 16, Nays 14. (Not receiving four-fifths vote of Members present)

Yeas: Armbrister, Barrientos, Brown, Duncan, Ellis, Gallegos, Galloway, Haywood, Lindsay, Lucio, Madla, Ogden, Patterson, Truan, Whitmire, Zaffirini.

Nays: Bivins, Cain, Carona, Fraser, Harris, Luna, Moncrief, Nelson, Nixon, Ratliff, Shapiro, Shapleigh, Wentworth, West.

Absent: Sibley.

HOUSE CONCURRENT RESOLUTION 263

The Presiding Officer laid before the Senate the following resolution:

HCR 263, Honoring ZZ Top and declaring May 15, 1997, ZZ Top Day in Texas.

BARRIENTOS

The resolution was read.

On motion of Senator Barrientos and by unanimous consent, the resolution was considered immediately and was adopted by a viva voce vote.

GUESTS PRESENTED

Senator Ogden was recognized and introduced to the Senate a group of fourth-grade students and their teachers Mrs. Joseph, Mrs. Howard, and Mrs. Grogan from Alton Bowen Elementary School of Bryan.

The Senate welcomed its guests.

GUESTS PRESENTED

Senator Ellis was recognized and introduced to the Senate a group of fifth-grade students and their teachers from Roberts Elementary School of Houston.

The Senate welcomed its guests.

GUEST PRESENTED

Senator Ellis was again recognized and introduced to the Senate Ralph Campbell, State Auditor from North Carolina.

The Senate welcomed Mr. Campbell.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Ratliff and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Finance might consider the following bills today:

HB 2617, HB 3250, HB 99, HB 571, HB 1518

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Sibley and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Economic Development might consider **HB 3087** today.

(Senator Truan in Chair)

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Patterson and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Veteran Affairs and Military Installations might consider **HB 3465** today.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Lucio and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Intergovernmental Relations might consider the following bills tomorrow:

HB 3587, HB 130, SB 1095, HB 3540

SENATE RULE 11.19 SUSPENDED
(Posting Rule)

On motion of Senator Armbrister and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on State Affairs might consider the following bills today:

HB 790, HB 3337, HB 2353, HB 2522, HB 1899, HB 422

SENATE RULE 11.19 SUSPENDED
(Posting Rule)

On motion of Senator Brown and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Natural Resources might consider the following bills today:

HB 2848, SB 1955, SB 1942, HB 3567

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

Austin, Texas

Thursday, May 15, 1997

The Honorable President of the Senate
Senate Chamber
Austin, Texas

Mr. President:

I am directed by the House to inform the Senate that the House has taken the following action:

THE HOUSE HAS PASSED THE FOLLOWING MEASURES:

HCR 245, Designating Knox City as the Seedless Watermelon Capitol of Texas.

HCR 260, Designating August 24-30, 1997, Gun Safe Week.

Respectfully,

/s/Sharon Carter, Chief Clerk
House of Representatives

SENATE RULE 11.19 SUSPENDED
(Posting Rule)

On motion of Senator Ellis and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Jurisprudence might consider the following bills today:

HB 793, HB 1553, HB 2421, HB 3581, HB 697, HB 891

SENATE RULE 11.19 SUSPENDED
(Posting Rule)

On motion of Senator Carona and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee

on International Relations, Trade, and Technology might consider **HB 3478** today.

**SENATE RULE 11.19 SUSPENDED
(Posting Rule)**

On motion of Senator Zaffirini and by unanimous consent, Senate Rule 11.19 was suspended in order that the Committee on Health and Human Services might consider the following bills and resolutions tomorrow:

HB 446, HB 723, HB 932, HB 1909, HB 2078, HB 2084, HB 2099, HB 2385, HB 2472, HB 2618, HB 2626, HB 2984, HB 3100, HCR 215, HCR 156

PERMISSION TO MEET GRANTED

On motion of Senator Harris and by unanimous consent, Senate committees were granted permission to meet during the Local and Uncontested Calendar Session.

BENEDICTION

The Reverend Angus Thompson, New Jerusalem Baptist Church, Wichita Falls, offered the benediction as follows:

Lord, the creator of the heavens and the Earth, we bow our heads in humble submission for last night's kindness, and this morning's blessings. We are feeble and we acknowledge our sins and our shortcomings. As the gavel calls the Senate to the end of the day, we want to thank You for keeping the officers of this great state.

Lord, I want to thank You for keeping my own Senator, Tom Haywood. I am grateful that You walk with him. Out of tender mercies You have given him the mind and the strength to come and serve.

Bless these other servants—the Members of this great body; some from the farms of East Texas; some from the Valley; some from great cities; bless them with a visitation of Your holy spirit.

Lord, upset the comfortable. Let them remember those who couldn't be here. Paint disturbing pictures in their minds. Prick their collective conscience about the plight of the hungry, the homeless, and the powerless.

Give these servants the strength to denounce wrong and the power to speak for right; broaden their sights that they might see way beyond self and see others. O, let them see that the righteous have a home that's more beautiful than Austin; more joyful than Houston; and far brighter, yes, far brighter, than the West Texas plains. Lord, please use these servants for Your glory. Yes, and always keep them in Your care.

And "Now to Him who is able to keep us from falling and is able to present us without blemish before the presence of His glory with rejoicing, the only God, our Savior through Jesus Christ, our Lord, be glory, majesty, dominion, and authority, before all time and now and forever." Amen.

MOTION TO ADJOURN

On motion of Senator Brown and by unanimous consent, the Senate at 11:41 a.m. agreed to adjourn, upon conclusion of the Local and Uncontested Calendar Session, until 9:00 a.m. tomorrow.

(Senator Harris in Chair)

**SESSION HELD FOR
LOCAL AND UNCONTESTED CALENDAR**

The Presiding Officer announced that the time had arrived to consider bills and resolutions placed on the Local and Uncontested Calendar. Notice of consideration of the local calendar was given by Senator Harris yesterday.

Pursuant to Senate Rule 9.03(d), the following bills and resolutions in the order listed were laid before the Senate, read second time, amended where applicable, passed to engrossment/third reading, read third time, and passed. The votes on suspension of the Constitutional Three-day Rule and final passage are indicated after each caption.

CSHB 39 (Zaffirini) Relating to a prohibition of discrimination in the determination of eligibility for employment, occupational licenses, and coverage under certain health benefit plans based on the use of certain genetic tests and to limitations on the use of information derived from those tests. (31-0) (31-0)

HB 138 (Bivins) Relating to authorization of the creation of Texas growth fund II. (31-0) (31-0)

HB 336 (Bivins) Relating to the administration of retirement systems for paid or partly paid firefighters. (31-0) (31-0)

CSHB 337 (Bivins) Relating to participation in and benefits from a statewide retirement system for volunteer firefighters and other emergency services personnel. (31-0) (31-0)

HB 423 (Cain) Relating to repair of motor vehicles covered under insurance policies. (31-0) (31-0)

HB 460 (Moncrief) Relating to federal waivers or authorizations relating to certain federally funded long-term care Medicaid programs. (31-0) (31-0)

HB 475 (Bivins) Relating to the effect of certain types of divorce decrees on retirement benefits payable by the Teacher Retirement System of Texas. (31-0) (31-0)

HB 480 (Bivins) Relating to the responsibilities of the district attorney for the 142nd Judicial District. (31-0) (31-0)

HB 598 (Wentworth) Relating to reimbursement of certain administrative costs incurred by an employer in implementing a garnishment order. (31-0) (31-0)

HB 663 (Moncrief) Relating to the assessment of needs of individuals served by long-term care services programs offered by health and human services agencies. (31-0) (31-0)

HB 726 (Carona) Relating to the authority of the Texas Historical Commission to accept donations and services from a volunteer or volunteer group. (31-0) (31-0)

HB 1177 (Ellis) Relating to certain categories of leave for state employees. (31-0) (31-0)

HB 1193 (Armbrister) Relating to free trial transcripts for appeals in which an affidavit of inability to pay costs has been filed. (31-0) (31-0)

CSHB 1217 (Lucio) Relating to certain contracts for fire hydrant service. (31-0) (31-0)

HB 1316 (Wentworth) Relating to the investment of assets by the guardian of an estate. (31-0) (31-0)

HB 1407 (Cain) Relating to emergency medical services and trauma care. (31-0) (31-0)

HB 1632 (Patterson) Relating to the change of the name of the Texas Catastrophe Property Insurance Association to the Texas Windstorm Insurance Association. (31-0) (31-0)

HB 1719 (Galloway) Relating to the regulation of psychologists and the powers and duties of the Texas State Board of Examiners of Psychologists. (31-0) (31-0)

CSHB 1870 (Sibley) Relating to the regulation of trust companies; providing administrative and criminal penalties. (31-0) (31-0)

HB 1875 (Cain) Relating to the imposition and use of certain fees imposed on certain milk and milk products. (31-0) (31-0)

HB 1965 (Wentworth) Relating to the creation of the constitutional office of criminal district attorney of Comal County, to the abolition of the office of the county attorney in Comal County, and to the abolition of the office of the district attorney for the 22nd Judicial District. (31-0) (31-0)

HB 1976 (Sibley) Relating to financial solvency requirements for certain property and casualty insurers. (31-0) (31-0)

HB 1977 (Sibley) Relating to risk limitations for certain insurance companies. (31-0) (31-0)

HB 2080 (Madla) Relating to notification and consent to disclosure of a failure to complete a peer assistance program. (31-0) (31-0)

HB 2499 (Haywood) Relating to the family farm and ranch finance program. (31-0) (31-0)

HB 2509 (Zaffirini) Relating to a pilot program for the treatment of Alzheimer's patients. (31-0) (31-0)

HB 2699 (Brown) Relating to the continuation and functions of the Council on Sex Offender Treatment and to the administration of certain of those functions by the Texas Department of Health. (31-0) (31-0)

HB 2734 (Armbrister) Relating to the creation of a statutory county court in Matagorda County. (31-0) (31-0)

HB 2851 (Lindsay) Relating to the powers and duties of water supply corporations. (31-0) (31-0)

HB 3212 (Zaffirini) Relating to the transfer of certain state property from the Texas Department of Criminal Justice to Duval County. (31-0) (31-0)

HB 3504 (Cain) Relating to the jurisdiction of the county courts at law in Smith County. (31-0) (31-0)

HB 3507 (Ratliff) Relating to granting the Gregg County Court at Law jurisdiction in family law matters. (31-0) (31-0)

HB 3558 (Armbrister) Relating to the duties of the district attorney and the county attorney in Wharton County. (31-0) (31-0)

HCR 64 (Zaffirini) Directing the state's medical schools to make certain changes in their curriculum. (viva voce vote)

HCR 79 (Madla) Expressing support for the Community Transportation Brokerage Pilot Programs. (viva voce vote)

SB 1611 (Whitmire) Relating to the creation of the victim services division of the Texas Department of Criminal Justice and the assignment of certain powers and duties to that division. (31-0) (31-0)

Senator Whitmire offered the following committee amendment to the bill:

Committee Amendment No. 1

Amend **SB 1611** as follows:

Add the following at the end of Subsection (c) of SECTION 9 of the bill, page 9, line 17.

"In developing crime victim assistance standards, the Texas Crime Victim Clearinghouse shall utilize and incorporate the research and findings of the Crime Victims' Institute on the needs of victims and the effectiveness of service delivery to them."

The committee amendment was read and was adopted by a viva voce vote.

Senator Whitmire offered the following committee amendment to the bill:

Committee Amendment No. 2

Amend **SB 1611** as follows:

Strike Subsection (a) of SECTION 9 of the bill, page 9, lines 2-7, and substitute the following.

"(a) The Texas Crime Victim Clearinghouse may consult, contract and coordinate with the Texas Crime Victims' Institute to conduct research to survey the use and evaluate the effectiveness of victim impact statements."

The committee amendment was read and was adopted by a viva voce vote.

SB 1766 (Moncrief) Relating to the creation, administration, powers, duties, operations, and financing of the Westworth Village-White Settlement Redevelopment Authority; granting the power of eminent domain. (31-0) (31-0)

SCR 81 (Gallegos) Naming the state building at 5425 Polk Avenue in Houston the Elias Ramirez Building. (viva voce vote)

**BILL REMOVED FROM
LOCAL AND UNCONTESTED CALENDAR**

Senator Haywood and Senator Harris requested in writing that **HB 1039** be removed from the Local and Uncontested Calendar.

**SESSION CONCLUDED FOR
LOCAL AND UNCONTESTED CALENDAR**

Senator Harris announced that the session to consider bills and resolutions placed on the Local and Uncontested Calendar was concluded.

MEMORIAL RESOLUTIONS

SR 748 - by Barrientos: In memory of W. G. "Cotton" Kirklin of Austin.

HCR 16 - (Duncan): In memory of the life of Robert P. Sturges of Odessa.

HCR 73 - (Madla): In memory of the life of Maria Lucille Gonzales Calderon.

HCR 74 - (Madla): In memory of the life of Felicitas "Ollie" Fernandez of Del Rio.

HCR 195 - (Duncan): In memory of the life of Frederick W. "Rick" Volker, Jr., of Odessa.

CONGRATULATORY RESOLUTIONS

SR 737 - by Bivins: Commending Margaret L. "Peggy" Simmons of Midland.

SR 738 - by West: Congratulating Ruby J. Abel of Dallas.

SR 739 - by Shapiro: Honoring Dallas Mayor Pro Tempore Max W. Wells.

SR 740 - by Fraser: Congratulating James Aron Horn of Denton.

SR 741 - by Fraser: Congratulating Kristopher Wright.

SR 742 - by Fraser: Congratulating Jeremy Brandon Boudreaux of Killeen.

SR 743 - by Fraser: Congratulating Eric Paul Cannon of Killeen.

SR 744 - by Madla: Commending Illene Richter.

SR 746 - by Barrientos: Congratulating Felix Villareal Leal and Theresa Jeanette Leal of Austin.

SR 747 - by Barrientos: Congratulating Gary Doniger of Austin.

SR 749 - by Carona: Congratulating Henry Stagg Renz and Annice Belle Renz.

SR 750 - by Armbrister: Commending the Edgar Black family of Lockhart.

SR 751 - by Armbrister: Congratulating the Fort Bend County Library System.

HCR 40 - (Madla): Congratulating the Iraan High School Braves.

HCR 66 - (Madla): Congratulating the Edwards County Emergency Medical Service.

HCR 84 - (Duncan): Honoring Rick Crawford of the State Preservation Board.

HCR 197 - (Bivins): Congratulating the United Way of Midland.

HCR 200 - (Madla): Commending Dr. Frank Bash of Austin.

HCR 201 - (Madla): Congratulating the Guadalupe Mountains National Park.

HCR 253 - (Armbrister): Congratulating the Fort Bend County Library System.

MISCELLANEOUS RESOLUTION

SR 752 - by Armbrister: Recognizing May 20, 1997, as Historical Markers Day in Texas.

ADJOURNMENT

Pursuant to a previously adopted motion, the Senate at 12:03 p.m. adjourned until 9:00 a.m. tomorrow.

APPENDIX

COMMITTEE REPORTS

The following committee reports were received by the Senate:

May 15, 1997

CRIMINAL JUSTICE — HB 2082, HB 1238, HB 312, HB 115, SCR 44

ADMINISTRATION — HB 2841 (Ordered Not Printed), HB 1603, HCR 21 (Amended), SCR 85 (Amended), HB 10 (Amended, Ordered Not Printed)

NATURAL RESOURCES — SB 1949, HB 770, HB 966, HB 1484, HB 1489, HB 2300, HB 2448, HB 2563, HB 2919, HB 3065, HB 3314, HB 3549

CRIMINAL JUSTICE — HB 2918 (Amended)

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY — HB 540, HB 3380, HB 3246, HB 2940, HB 2115, HB 2025, HB 1898, HB 479

CRIMINAL JUSTICE — HB 658 (Amended), HB 1150 (Amended), HB 1301 (Amended), CSHB 2827

JURISPRUDENCE — HB 3565, HB 3557, HB 3556, HB 3542, HB 3541, HB 3538, HB 3135, HB 3101, HB 3086, HB 2845, HB 2779, HB 2555, HB 2506, HB 2227, HB 2183, HB 2005, HB 1706, HB 1688, HB 1456, HB 1336, HB 455, HB 308, SB 1956

EDUCATION — HCR 209, HB 63, HB 623, HB 762, HB 2394

NATURAL RESOURCES — HB 1542 (Amended), HB 3194 (Amended), CSHB 1941, HB 218 (Amended), CSHB 1239, CSHB 1133, CSSB 1814

INTERGOVERNMENTAL RELATIONS — HB 1310, HB 2064, HB 3566, HB 2982, HB 1012, HB 3224, HB 1610, HB 2622, HB 1243, HB 1540, HB 1692, HB 1881, HB 2445, HB 2587, HB 803, HB 826, HB 883, HB 1028, HB 1029, HB 1166, HB 2900

HEALTH AND HUMAN SERVICES — HCR 168, HB 889, HB 2573, HB 2397, HB 3106, HB 2094

INTERNATIONAL RELATIONS, TRADE, AND TECHNOLOGY — HB 3478

ADMINISTRATION — HB 3517, HCR 14, HCR 80, HCR 85, HCR 86, HCR 116, HCR 149, HCR 212

SENT TO GOVERNOR

May 15, 1997

SB 145, SB 358, SB 728, SB 1233, SB 1268, SB 1269, SB 1295, SB 1352, SB 1437, SB 1519, SB 1722, SB 1736, SB 1828, SB 1903, SB 1924, SCR 14, SCR 42, SCR 55, SCR 69

SIGNED BY GOVERNOR

May 15, 1997

SCR 60

